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**REPORT ON THE  
 FILING OR DETERMINATION OF AN  
 ACTION REGARDING A PATENT OR  
 TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court District of Arizona on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 10-0399-PHX-GMS	DATE FILED 02/23/2010	U.S. DISTRICT COURT District of Arizona
PLAINTIFF Dial Manufacturing, Inc.		DEFENDANT PPS Packaging Company
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE ATTACHED		
2 5,568,000		
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5		

In the above—entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
2					
3					
4					
5					

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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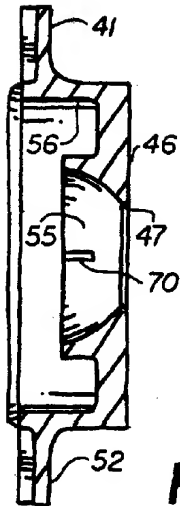
CLERK RICHARD H. WEARE	(BY) DEPUTY CLERK s/Beth Stephenson	DATE 02/24/2010
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U.S. Patent

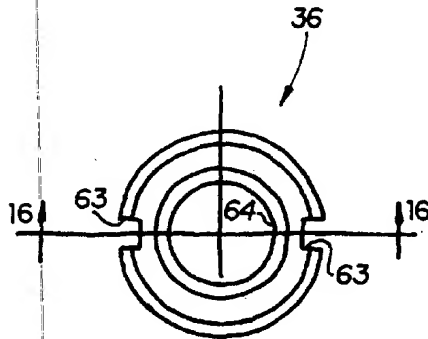
Oct. 22, 1996

Sheet 4 of 4

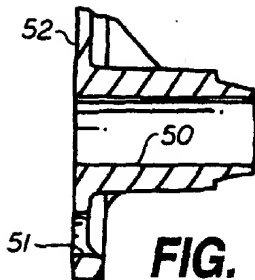
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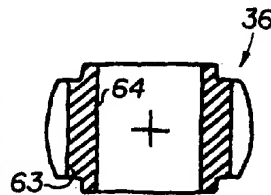
**FIG. 13**



**FIG. 15**



**FIG. 14**



**FIG. 16**

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# **1** **MULTIPLE POLE, SHADED POLE SUBFRACTIONAL-HORSEPOWER INDUCTION MOTOR**

This invention pertains to motors.

More particularly, the invention pertains to concentric, multiple pole, shaded pole, subfractional-horsepower induction motors.

Subfractional-horsepower induction motors have a horse-power (HP) of 1/20 HP or less, typically 1/150 HP to 1/20 HP. Such motors ordinarily include a single piece stator, an armature rotationally mounted in an opening in the stator, two or more primary poles, and two or more "shaded" or secondary poles. A shaded pole or coil is a piece of material than can conduct electricity to create another magnetic field inside the primary magnetic field generated in the motor. The primary magnetic field is generated by wire wrapped around a primary pole. The secondary pole or magnetic field gives the motor its initial direction and rotation when it starts. The secondary pole makes the motor spin by changing the characteristics of the magnetic field in the stator. Subfractional-horsepower motors are used to power water pumps in evaporative coolers and are used in other applications which require a small motor. The design and efficiency of subfractional horsepower induction motors have in large part remained unchanged for many years.

Accordingly, it would be highly desirable to provide an improved subfractional-horsepower induction motor and method for producing the same.

Therefore, it is a principal object of the invention to provide an improved subfractional-horsepower induction motor and method for producing the same.

A further object of the invention is to provide an improved subfractional-horsepower induction motor which permits the mounting of wound wire on the stator before the final assembly of the stator.

Another object of the invention is to provide an improved concentric subfractional-horsepower induction motor which utilizes an armature or rotor which can be interchangeably utilized on a C-frame stator in a subfractional-horsepower induction motor.

Still a further object of the invention is to provide an improved concentric subfractional-horsepower induction motor which utilizes reluctance gaps to force the primary magnetic field into the rotor or armature of the motor to increase the strength of the motor.

Yet another object of the invention is to provide an improved mounting bracket for a subfractional-horsepower induction motor.

These and other, further and more specific objects and advantages of the invention will be apparent to those skilled in the art from the following detailed description thereof, taken in conjunction with the drawings, in which:

FIG. 1 is a top view illustrating a metal lamina utilized to form the outer portion of the stator of the motor of the invention;

FIG. 2 is a side view further illustrating the lamina of FIG. 1;

FIG. 3 is a top view illustrating a metal lamina utilized to form the inner portion of the stator of the motor of the invention;

FIG. 4 is a side view further illustrating the lamina of FIG. 3;

FIG. 5 is a top view illustrating the rotor or armature utilized in the subfractional induction motor of the invention;

FIG. 6 is a side view illustrating the armature utilized in the subfractional induction motor of the invention;

FIG. 7 is a top view illustrating a lamina utilized to construct the rotor of FIGS. 5 and 6;

FIG. 8 is a side view illustrating a bobbin utilized on the inner portion of the stator of the motor of the invention to form the primary magnetic field in the motor;

FIG. 9 is a top view illustrating a bracket utilized to mount the motor of FIGS. 1 to 8;

FIG. 10 is a side view illustrating the bracket of FIG. 9; FIG. 11 is a front view illustrating the bracket of FIG. 9; FIG. 12 is a bottom view further illustrating the bracket of FIG. 9;

FIG. 13 is a section view further illustrating internal construction details of the bracket of FIG. 12 and taken along section line 13—13 thereof;

FIG. 14 is a section view further illustrating internal construction details of the bracket of FIG. 9 and taken along section line 14—14 thereof;

FIG. 15 is a top view illustrating the bearing utilize in the invention; and,

FIG. 16 is a side section view of the bearing of FIG. 15 taken along section line 16—16 and illustrating further construction details thereof.

Briefly, in accordance with my invention, I provide a method of assembling a concentric shaded pole subfractional horsepower induction motor. The motor includes a stator, at least one field winding, and an armature rotatable in a central opening in the stator about a longitudinal axis of the stator core. The method includes steps of winding wire on at least one bobbin; assembling the outer portion of the stator core by stacking in registration one on top of the other a plurality of laminas each of substantially equal shape and dimension, the outer portion of the stator circumscribing and defining a first inner open space; assembling the inner portion of the stator core by stacking in registration one on top of other a plurality of laminas each of substantially equal shape and dimension, the inner portion of the stator core circumscribing and defining a second inner open space and shaped and dimensioned to receive shaded poles and to receive the bobbin; installing the bobbin and at least a pair of spaced apart shaded poles on the inner portion of the stator core; inserting the inner portion of the stator core in the inner open space in the outer portion; and, inserting an armature in the second inner open space, the armature including a rotatable shaft. A mounting bracket can be attached to the outer portion of the stator core with a bearing intermediate and contacting the armature and the bracket and at least partially circumscribing the rotatable shaft.

In another embodiment of my invention, I provide a concentric shaded multiple-pole subfractional horsepower induction motor including a stator. The stator includes an outer portion including a plurality of registered laminas each of substantially equal shape and dimension stacked one on top of the other. The outer portion circumscribes and defines a first inner open space. The stator also includes an the inner portion including a plurality of registered laminas each of substantially equal shape and dimension stacked one on top of the other. The inner portion of the stator circumscribes and defines a second inner open space. At least a pair of shaded poles are mounted on the inner portion of said stator. At least one bobbin is mounted on the inner portion of the stator. At least two reluctance gaps are formed on the inner portion of the stator. Each reluctance gap is spaced apart from one of the shaded poles along an arc by 90 degrees or less. An armature is rotatably mounted in the second inner open space.

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In a further embodiment of my invention, I provide a concentric shaded multiple-pole subfractional horsepower induction motor including a stator. The stator includes an outer portion including a plurality of registered laminas each of substantially equal shape and dimension stacked one on top of the other. The outer portion circumscribes and defines a first inner open space. The stator also includes an inner portion including a plurality of registered laminas each of substantially equal shape and dimension stacked one on top of the other. The inner portion of the stator circumscribes and defines a second inner open space. At least a pair of shaded poles are mounted on the inner portion of said stator. At least one bobbin is mounted on the inner portion of the stator. At least two pair of reluctance gaps are formed on the inner portion of the stator. The reluctance gaps in each of the pairs are being spaced apart along an arc by less than forty degrees. An armature is rotatably mounted in the second inner open space.

In still another embodiment of my invention, I provide a concentric shaded multiple-pole subfractional horsepower induction motor including a stator. The stator includes an outer portion including a plurality of registered laminas each of substantially equal shape and dimension stacked one on top of the other. The outer portion circumscribes and defines a first inner open space and has a selected width. The stator also includes an inner portion including a plurality of registered laminas each of substantially equal shape and dimension stacked one on top of the other. The inner portion of the stator circumscribes and defines a second inner open space. At least a pair of shaded poles are mounted on the inner portion of said stator. At least one bobbin is mounted on the inner portion of the stator. An armature is rotatably mounted in the second inner open space. The armature has a selected diameter. The ratio of the diameter to the width of each of the stator laminations is in the range of 1:2.36 to 1:4.4.

Turning now to the drawings, which depict the presently preferred embodiments of the invention for the purpose of illustrating the practice thereof and not by way of limitation of the scope of the invention, and in which like reference characters identify corresponding elements throughout the several views, FIG. 1 illustrates a steel lamina or plate 10 utilized in the construction of the outer portion of the stator of the motor of the invention. The inner peripheral edge 29 of the lamina 10 circumscribes and bounds an open inner area 28. Cylindrical apertures 38 and 39 are formed through lamina 10. Detents 12 and 13 are formed on the inside of lamina 10. The side view of lamina 10 in FIG. 2 shows the right hand edge 20 of the lamina. The width or diameter of lamina 10 equals twice the distance indicated by arrow A. Arcuate portions 10A, 10B, 10C, and 10D lie on the circumference of a circle having a radius indicated by arrow A. In the presently preferred concentric subfractional-horsepower induction motor constructed in accordance with the invention, the distance indicated by arrow A is 1.65 inches. The outer portion or outer laminate stack of the stator is formed by stacking a plurality of laminas 10 in conventional fashion in registration one on top of the other such that apertures 38 in each lamina are aligned with apertures 39 in the other stacked laminas and such that apertures 39 in each lamina are aligned with apertures 38 in the other stacked laminas.

FIG. 3 illustrates a steel lamina or plate 11 utilized in the construction of the inner portion of the stator of the motor of the invention. Lamina 11 includes slots pairs 25, 26 and 23, 24 and includes reluctance gap pairs 21, 22 and 16, 17. The distance between gaps 21 and 22 (or gaps 16 and 17) along an arc is presently 21 degrees, preferably about 20 to

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22 degrees. However, the distance between gaps 21 and 22 (or gaps 16 and 17) indicated by arrows B can be in the range of 10 to 40 degrees depending on the desired construction of the concentric subfractional-horsepower shaded pole induction motor of the invention. Lamina 11 includes longitudinal axis Y and cylindrical aperture 27 formed therethrough. The inner cylindrical surface of aperture 27 circumscribes and bounds open area 30. Normal axes Y and Z cut circular area 30 into four pie shaped quadrants I, II, III, IV. Reluctance gaps 21, 22 and slots 23, 24 lie in quadrant II, i.e., both gaps 21, 22 are within ninety degrees of slots 23, 24. Consequently, the length of the arc indicated by arrows C is less than ninety degrees. Reluctance gaps 16, 17 and slots 25, 26 lie in quadrant IV, i.e., both gaps 21, 22 are within ninety degrees of arc of slots 25, 26. Flat planar edges 18A, 18B, 18C, 18D are each of equivalent shape and dimension. Nubs 14 and 15 are formed at opposite ends of lamina 11.

The side view of lamina 11 in FIG. 4 shows the planar flat edge 31 of the lamination. The thickness T1 of lamina 10 equals the thickness T2 of lamina 11.

The inner portion of the stator of the motor is formed by stacking a plurality of laminas 11 in conventional fashion in registration one on top of the other such that aperture 27 in each lamina is aligned with the apertures 27 in the other stacked laminas and such that slots 24, 26 in each lamina are aligned with slots 24, 26, respectively, in the other stacked laminas. The number of laminas 11 utilized to make the inner portion of the stator equals the number of laminas 10 utilized to make the outer portion of the stator. After the inner laminas 11 are registered one on top of the other to form an inner laminate stack, a strip of copper 19 (FIG. 3) or other desired material is threaded up through slots 24, over the top of the inner laminate stack, down through aligned slots 23, and over the bottom of the inner laminate stack. Copper strip 19 forms a shaded pole. Another copper strip is similarly threaded through slots 25 and 26 to form a second shaded pole. One bobbin, indicated by dashed lines 18 in FIG. 3, is slid over the left hand end of the inner laminate stack of FIG. 3 to the position shown. Bobbin 18 bears against the flats formed by surfaces 18A and 18B. Another bobbin (not shown) is slid over the right hand end of the inner laminate stack of FIG. 3 and against the flats formed by surfaces 18C and 18D. Each bobbin 18 comprises a rectangular sleeve 37 wound with wire 36 (FIG. 8).

After bobbins and shaded poles have been installed on the inner laminate stack, the stack is positioned in open space 28 inside the outer laminate stack by simultaneously (1) sliding stack nubs 14 through the groove which is on the inside of the outer laminate stack and which is formed by stacked detents 12 and (2) sliding stacked nubs 15 through the groove which is on the inside of the outer laminate stack and which is formed by stacked detents 13. The inner laminate stack is so inserted in the outer laminate stack until the top and bottom surfaces of the inner and outer stacks are coplanar and until each lamina 10 is coplanar with one of the laminas 11 in the inner laminate stack. The coplanar position of each lamina 11 in the inner stack with one of the laminas 10 in the outer stack is illustrated by dashed lines 11A in FIG. 1.

After the inner and outer laminate stacks are pressed together in the manner described above, a rotor 32 is inserted inside the inner laminate stack. The rotor 32 includes top surface 34 and shaft 35 having a longitudinal axis which is perpendicular to axes Y and Z and which is collinear with the center line of the cylindrical opening in the inner laminate stack which is formed by the registered openings 27 in the

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inner laminate stack. FIG. 7 illustrates a circular lamina 33 utilized in fabricating rotor or armature 32. When the diameter of lamina 10 is about 3.3 inches, the diameter of each lamina 33 is typically about one and a half inches. In the invention, the diameter of each lamina 33 has been reduced such that the ratio of the diameter of lamina 33 to the diameter or width of lamina 10 is in the range of 1:2.2 to 1:4.4. Reducing the size of the rotor enables the amount of metal in the stator to be increased so that the magnetic saturation point is not reached as quickly as when the stator has less mass. Further, reducing the diameter of the rotor facilitates using the rotor in a C-frame subfractional-horsepower shaded pole induction motor of comparable or smaller size to the concentric motor illustrated in FIGS. 1 to 8. By way of example, when the diameter of lamina 10 is 3.3 inches, the diameter of lamina 33 (and of rotor 32) is preferably in the range of 0.75 to 1.4 inches and is preferably, but not necessarily, less than the conventional diameter of one and a half inches.

After the rotor 32 is placed inside the inner stator stack, self aligning porous metal bearings 36 are placed over shaft 35 on the top and bottom of rotor 32 (FIG. 6). A first mounting bracket 40 is then placed over the top surface 34 of rotor 32 such that feet 53 and 54 seat in apertures 38 and 39, respectively, of the lamina 10 on the top of the outer laminate stack (FIG. 10), such that shaft 35 extends upwardly through opening 47, such that bearing 36 on top of rotor 32 seats in semispherical surface 55 (FIGS. 12 and 13) of the bracket 40, and such that elongate cylindrical pin 70 extending outwardly from bracket 40 (FIGS. 12 and 13) extends into a slot 63 of bearing 36 to prevent the rotation of bearing 36. Shaft 35 also extends upwardly through cylindrical opening 64 in bearing 36. A second bracket 40 is then placed over the bottom surface 60 of rotor 32 such that feet 53 and 54 of the second bracket seat in apertures 38 and 39, respectively, of the lamina 10 on the bottom of the outer laminate stack, such that shaft 35 extends downwardly through opening 47 of the second bracket 40, and such that bearing 36 on the bottom of the rotor 32 seat in semispherical surface 55 of the second bracket 40. After the first and second mounting brackets are positioned as described, a first elongate bolt 61 is passed through apertures 43 and 38 and a nut is utilized to tighten the mounting brackets and laminae 10 together. A second elongate bolt 62 is passed through aperture 50 and 39 and a nut is utilized to tighten the mounting brackets and laminae 10 together. The first and second elongate bolts can also, in addition to passing through apertures 43, 38 and 50, 39, respectively, be long enough to pass through apertures in the housing of an evaporative cooler pump so that the assembled motor can be secured to the pump with nuts. Or, the motor can otherwise be secured to an evaporative cooler pump or to some other structure.

In FIGS. 9 to 13, mounting bracket 40 includes upper flat surface 41; apertures 42 to 44; circular flat surface 46; aperture 47; upper flat surface 52; apertures 48, 50, 51; tabs 45 and 49 to receive ground wire clips; feet 53 and 54; inner cylindrical surface 56 on the bottom of bracket 40; and, semispherical surface 55 on the bottom of bracket 40.

Having described my invention in such terms as to enable those skilled in the art to understand and practice it, and having described the presently preferred embodiments thereof,

I claim:

1. A concentric shaded multiple-pole subfractional horsepower induction motor including

(a) a stator including

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- (i) an outer portion including a plurality of registered laminations each having a selected width and being of substantially equal shape and dimension stacked one on top of the other, said outer portion circumscribing and defining a first inner open space;
  - (ii) an inner portion including a plurality of registered laminations each of substantially equal shape and dimension stacked one on top of the other, said inner portion of said stator core circumscribing and defining a second inner open space, and including first and second pole tip portions;
  - (b) at least a pair of shaded poles on said inner portion of said stator;
  - (c) at least one bobbin on said inner portion of said stator;
  - (d) at least first and second pairs of reluctance gaps on said inner portion of said stator, the reluctance gaps each being spaced apart from one of said shaped poles along an arc by 90 degrees or less, each of said first and second pairs of reluctance gaps being formed in a different one of said first and second pole tip portions, the reluctance gaps in each of said pairs being spaced apart along an arc of less than forty degrees;
  - (e) a cylindrical armature rotatably mounted in said second inner open space, said armature having a selected diameter, the ratio of said diameter to said width of each of said stator laminations in said outer portion being in the range of 1:2.36 to 1:4.4.
2. The motor of claim 1 wherein said diameter of said armature is in the range of 0.75 to 1.4 inches.
3. The motor of claim 2 wherein the distance along an arc between the reluctance gaps comprising each of said pair of reluctance gaps is in the range of twenty to twenty-two degrees.
4. The motor of claim 3 wherein each of the reluctance gaps opens outwardly from said second inner open space.
5. A water pump for an evaporative cooler, said pump including pump means and a concentric shaded multiple-pole subfractional horsepower induction motor to drive said pump means, said motor including
- (a) a stator including
    - (i) an outer portion including a plurality of registered laminations each having a selected width and being of substantially equal shape and dimension stacked one on top of the other, said outer portion circumscribing and defining a first inner open space;
    - (ii) an inner portion including a plurality of registered laminations each of substantially equal shape and dimension stacked one on top of the other, said inner portion of said stator core circumscribing and defining a second inner open space, and including first and second pole tip portions;
  - (b) at least a pair of shaded poles on said inner portion of said stator;
  - (c) at least one bobbin on said inner portion of said stator;
  - (d) at least first and second pairs of reluctance gaps on said inner portion of said stator, the reluctance gaps each being spaced apart from one of said shaped poles along an arc by 90 degrees or less, each of said first and second pairs of reluctance gaps being formed in a different one of said first and second pole tip portions, the reluctance gaps in each of said pairs being spaced apart along an arc of less than forty degrees; and,
  - (e) a cylindrical armature rotatably mounted in said second inner open space, said armature having a selected diameter, the ratio of said diameter to said width of each of said stator laminations in said outer

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portion being in the range of 1:2.36 to 1:4.4, said diameter of said armature permitting said armature to be utilized in a C-frame shaded multiple-pole subfractional horsepower induction motor for a water pump for an evaporative cooler.

6. The pump of claim 5 wherein said diameter of said armature in said concentric motor is in the range of 0.75 to 1.4 inches.

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7. The pump of claim 6 wherein the distance along an arc between the reluctance gaps comprising each of said pair of reluctance gaps is in the range of twenty to twenty-two degrees.

8. The pump of claim 6 wherein each of the reluctance gaps opens outwardly from said second inner open space.

\* \* \* \* \*

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Arizona on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV 10-0400-PHX-JAT	DATE FILED 02/23/2010	U.S. DISTRICT COURT District of Arizona
PLAINTIFF Diners Club International, Ltd.		DEFENDANT Poole, et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE ATTACHED		
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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STD

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:10-cv-00400-JAT**

Diners Club International, Ltd. v. Poole, et al  
Assigned to: Judge James A Teilborg  
Demand: \$38,000  
Cause: 15:1121 Trademark Infringement

Date Filed: 02/23/2010  
Jury Demand: None  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Diners Club International, Ltd.**  
*a New York corporation*

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**Defendant**

**Arvin Poole**  
*husband*



**Defendant****Jane Doe Poole***named as Jane Doe Poole, wife***Defendant****Shaarp Ventures, LLC***a Texas limited liability company  
doing business as  
SHAARP Hosting***Defendant****Gwen D. Cash***wife***Defendant****John Doe Cash***named as John Doe Cash, husband***Defendant****GDCash, LLC***a Texas limited liability company***Defendant****GDC Enterprises***a Texas entity*

Date Filed	#	Docket Text
02/23/2010	<u>1</u>	COMPLAINT. Filing fee received: \$ 350.00, receipt number 0970-3655172, filed by Diners Club International, Ltd.. (Attachments: # <u>1</u> Appendix Index of Exhibits, # <u>2</u> Exhibit 1 Part A, # <u>3</u> Exhibit 1 Part B, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Civil Cover Sheet, # <u>9</u> Summons)(Warshawsky, Kimberly) (Entered: 02/23/2010)
02/23/2010	<u>2</u>	Corporate Disclosure Statement by Diners Club International, Ltd.. (Warshawsky, Kimberly) (Entered: 02/23/2010)
02/23/2010	<u>3</u>	This case has been assigned to the Honorable James A. Teilborg. All future pleadings or documents should bear the correct case number: CV 10-0400-PHX-JAT. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 02/24/2010)
02/23/2010	<u>4</u>	Notice of availability of Magistrate Judge (BAS) (Entered: 02/24/2010)
02/24/2010	<u>5</u>	STANDARD TRACK ORDER. Signed by Judge James A Teilborg on 2/24/2010. (TLB) (Entered: 02/24/2010)

PACER Service Center
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**Transaction Receipt**

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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:10-cv-00400-JAT
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16

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Attorneys for Plaintiff Diners Club International

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

DINERS CLUB INTERNATIONAL LTD.,  
a New York corporation,

Plaintiff,

v.

ARVIN POOLE and JANE DOE POOLE,  
husband and wife; SHAARP VENTURES,  
LLC, d/b/a SHAARP Hosting, a Texas  
limited liability company; GWEN D. CASH  
and JOHN DOE CASH, husband and wife;  
GDC ENTERPRISES, a Texas entity; and  
GDCash, LLC, a Texas limited liability  
company,

Defendants.

No.

**COMPLAINT**

**(Anticybersquatting Consumer  
Protection Act; Federal Trademark  
Infringement; Common Law  
Trademark Infringement)**

Plaintiff Diners Club International Ltd. ("Diners Club"), by and through its undersigned counsel, brings this Complaint against Defendants Arvin and Jane Doe Poole (collectively, "Poole"), SHAARP Ventures, LLC, d/b/a SHAARP Hosting ("SHAARP Ventures"), Gwen D. and John Doe Cash (collectively, "Cash"), GDC Enterprises ("GDC Enterprises"), and GDCash, LLC ("GDCash") seeking relief pursuant to 15 U.S.C. § 1125(d)(1) for Defendants' bad-faith use, registration and/or reselling of the domain names <phoenixdinersclub.com>, <austindinersclub.com>, <albuquerqueclub.com>, <atlantadinersclub.com>, <bayareadinersclub.com>

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*Attorneys for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Dial Manufacturing, Inc., an Arizona  
corporation,

Plaintiff,

vs.

PPS Packaging Company, a California  
corporation,

Defendant.

No.

**COMPLAINT**

For its Complaint, Plaintiff Dial Manufacturing, Inc. ("Dial") alleges as follows:

**PARTIES**

1. Plaintiff Dial is an Arizona corporation with its principal place of business in Phoenix, Arizona. Dial manufactures and sells replacement parts for evaporative coolers.

2. Defendant PPS Packaging Company ("PPS") is a California corporation with its principal place of business in Fowler, California. PPS manufactures and sells evaporative cooler products in competition with Dial.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

4. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367(a).

5. This Court may assert personal jurisdiction over the Defendant because Defendant, through its authorized agents, employees and officers, has caused or

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1 <beavertondinersclub.com>, <birminghamdinersclub.com>, <bostondinersclub.com>,  
 2 <charlottedinersclub.com>, <chicagodinersclub.com>, <citydinersclub.com>,  
 3 <dcdinersclub.com>, <denverdinersclub.com>, <detroitdinersclub.com>,  
 4 <indianapolisdinersclub.com>, <jacksonvilledinersclub.com>,  
 5 <kansascitydinersclub.com>, <ladinersclub.com>, <lasvegasdinersclub.com>,  
 6 <louisvilledinersclub.com>, <memphisdinersclub.com>, <miamidinersclub.com>,  
 7 <milwaukeedinersclub.com>, <minneapolisdinersclub.com>, <nashvilledinersclub.com>,  
 8 <nycdinersclub.com>, <orlandodinersclub.com>, <phillydinersclub.com>,  
 9 <sandiegodinersclub.com>, <sanfranciscodinersclub.com>, <sanjosedinersclub.com>,  
 10 <seattledinersclub.com>, <stlouisdinersclub.com>, <tucsondinersclub.com>,  
 11 <dallasdinersclub.com>, <houstondinersclub.com>, <sanantoniodinersclub.com>  
 12 (collectively, the "Infringing Domain Names"), Trademark Infringement pursuant to 15  
 13 U.S.C. § 1114(1), and common law trademark infringement under Arizona law, and  
 14 alleges as follows:

### NATURE OF ACTION

16 1. This action is brought pursuant to the Anticybersquatting Consumer  
 17 Protection Act ("ACPA"), 15 U.S.C. § 1125(d)(1), for trademark infringement under the  
 18 Federal Trademark Act, 15 U.S.C. § 1114(1), and for common law trademark  
 19 infringement under Arizona law. Diners Club owns the venerable and well-known  
 20 DINERS CLUB trademark, which represents a premium global brand that issued the  
 21 world's first credit card. Diners Club credit cards are issued today in more than 200  
 22 countries and 70 local currencies, and after more than 43 years of continuous use, the  
 23 DINERS CLUB mark has become synonymous with card/payment solutions that combine  
 24 a superior product package, unsurpassed service, and award-winning rewards with  
 25 universal acceptance. The DINERS CLUB mark is also used to promote products and  
 26

1 services of others through, among other things, credit card user loyalty programs,  
2 including but not limited to restaurants.

3 2. Notwithstanding Plaintiff's rights to the DINERS CLUB mark, and despite  
4 having no legitimate reason to do so, Defendants registered, used, and/or resold the  
5 Infringing Domain Names to promote their advertising services featuring third party  
6 restaurant advertisers (at <austndinersclub.com> only) and the goods and services of  
7 others including but not limited to competing credit card services (on each of the other  
8 Infringing Domain Names). Defendants' incorporation of the DINERS CLUB mark as  
9 part of each Infringing Domain Name violates the ACPA, 15 U.S.C. § 1125(d)(1), and  
10 constitutes federal and common law trademark infringement. Plaintiff Diners Club seeks  
11 damages, attorneys' fees, costs, and permanent injunctive relief.

12 3. Diners Club brought a Complaint against Defendant GDCash in accordance  
13 with the Uniform Domain Name Dispute Policy on July 8, 2009 with respect to its use of  
14 all of the Infringing Domain Names except for <austndinersclub.com>. The Panel  
15 charged with deciding this UDRP Complaint found that Defendants' use of these  
16 Infringing Domain Names violated Defendants' rights, and ordered that the Infringing  
17 Domain Names be transferred to Diners Club.

18 4. Diners Club brought a UDRP Complaint against Defendant GDC  
19 Enterprises with respect to its use of Infringing Domain Name <austndinersclub.com> on  
20 August 19, 2009. The Panel charged with deciding the August 2009 UDRP found that the  
21 Infringing Domain Name <austndinersclub.com> was identical to or confusingly similar  
22 to Diners Club's DINERS CLUB Marks, but GDC Enterprises had rights or legitimate  
23 interests in the name and did not otherwise register <austndinersclub.com> in bad faith.  
24 Because of this ruling, the Infringing Domain Name <austndinersclub.com> remains in  
25 Defendants' possession.  
26

**THE PARTIES**

5. Plaintiff Diners Club International Ltd. is a New York corporation having its principal place of business at 8430 West Bryn Mawr Avenue, Chicago, Illinois 60631.

6. Defendant Arvin Poole is a resident of the State of Texas and has an address of 2311 West Rundberg Lane, Austin, Texas 78758. Mr. Poole, by and through his business defendants SHAARP Ventures, resold to Defendants Cash, GDCash, and GDC Enterprises each of the Infringing Domain Names in May 2009.

7. Defendant Arvin Poole is and at all relevant times was married to Jane Doe Poole and all acts alleged herein were committed in furtherance of their marital community.

8. Defendant SHAARP Ventures, LLC is a Texas limited liability company having its principal place of business at 2311 West Rundberg Lane, Austin, Texas 78758. Upon information and believe, SHAARP Ventures is currently doing business using the name SHAARP Hosting. SHAARP Ventures resold to Defendants Cash, GDCash, and GDC Enterprises each of the Infringing Domain Names in May 2009.

9. Defendant Gwen D. Cash is resident of the State of Texas who, upon information and belief, resides at 8701 Bluffstone Circle 6208, Austin, Texas 78759. Cash is responsible for registering the Infringing Domain Names. Attached hereto as **Exhibit 1** are true and correct historic copies of the WHOIS records for each of the Infringing Domain Names showing their registration details at the time the Plaintiff filed UDRP Complaints to recover each.

10. Defendant Gwen Cash is, and at all relevant times was, married to John Doe Cash and all acts alleged herein were committed in furtherance of their marital community.

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1           11. Defendant GDCash, LLC is a Texas limited liability company having its  
2 principal place of business at 3801 Capital Of Texas Highway, Suite E240-97, Austin,  
3 Texas 78759.

4           12. Defendant GDC Enterprises is a Texas entity that also has its principal place  
5 of business at 3801 Capital Of Texas Highway, Suite E240-97, Austin, Texas 78759.  
6 GDCash, LLC and GDC Enterprises are related entities, and are, upon information and  
7 belief, both owned and operated by defendant Gwen D. Cash.

8                                   **JURISDICTION AND VENUE**

9           13. This Court has subject matter jurisdiction under the Lanham Act pursuant to  
10 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and 1338(b).

11           14. This Court has personal jurisdiction over Defendants based upon the  
12 following: (a) by registering the Infringing Domain Names, each of the Defendants  
13 contracted with Wild West Domains, Inc. ("Wild West Domains"), an Arizona registrar  
14 and the registrar of the Infringing Domain Names, to have all disputes regarding the  
15 Infringing Domain Names heard in the State of Arizona; (b) each of the Defendants also  
16 purposely availed themselves of the benefits of doing business in Arizona by actually  
17 transacting business in Arizona; (c) each of the Defendants directed their business  
18 activities to Arizona by operating websites on the Internet that are accessible to residents  
19 of the State of Arizona; and (d) each of the Defendants utilize content produced by Wild  
20 West Domains, an Arizona entity, on the websites associated with the Infringing Domain  
21 Names.

22           15. Venue is proper in the United States District Court for the District of  
23 Arizona pursuant to 28 U.S.C. § 1391(b). In addition, venue is proper in this District  
24 pursuant to Defendants' registration agreements with Wild West Domains.



**ALLEGATIONS COMMON TO ALL COUNTS**

**Plaintiff's Famous Mark**

16. Plaintiff Diners Club owns numerous federal registrations with the United States Patent and Trademark Office (the "USPTO") for the DINERS CLUB mark, and variants thereof, many of which have been in continuous use for more than 20 years.

17. Among other applications and registrations, the mark DINERS CLUB, U.S. Reg. No. 0828013 (incontestable status), was registered on April 25, 1967 for "extension of credit to customers who purchase at subscribing retail establishments and making collections from such customers through a central billing system." A true and correct copy of the DINERS CLUB trademark registration certificate as maintained by the USPTO is attached hereto as **Exhibit 2**.

18. Diners Club's mark, DINERS CLUB INTERNATIONAL, U.S. Reg. No. 2658760 (incontestable status), was registered on December 10, 2002 for, among other goods and services, "incentive award programs to promote the sale of products and services of others...." A true and correct copy of the DINERS CLUB INTERNATIONAL trademark registration certificate as maintained by the USPTO is attached hereto as **Exhibit 3**.

19. In addition to rights in the United States, Diners Club products and services, which incorporate all or part of the DINERS CLUB mark, are accepted in over 200 countries throughout the world.

20. Diners Club has made extensive use of the DINERS CLUB and DINERS CLUB INTERNATIONAL marks by offering its customers the opportunity to purchase goods and services on credit throughout the United States and around the world and obtain loyalty rewards for doing so. In addition, Diners Club has used its DINERS CLUB Mark to promote the goods and services of others, including but not limited to restaurant

1 services. Attached as **Exhibit 4** is a print out of the various restaurants that Diners Club  
2 promotes using its DINERS CLUB and DINERS CLUB INTERNATIONAL marks.

3 21. The products and services sold or promoted under the DINERS CLUB and  
4 DINERS CLUB INTERNATIONAL marks are promoted across the United States and  
5 around the world.

6 22. As evidenced by its incontestable registrations in place well before the  
7 Infringing Domain Names were registered, the DINERS CLUB and DINERS CLUB  
8 INTERNATIONAL marks were distinctive at the time the Infringing Domain Names  
9 were registered.

10 **Defendants' Bad-Faith Registration and Use of the Infringing Domain Names**

11 23. Defendants purchased the Infringing Domain Names and registered the  
12 them with the Internet registrar Wild West Domains, Inc. long after Diners Club's  
13 federally-registered DINERS CLUB and DINERS CLUB INTERNATIONAL marks  
14 became incontestably distinctive.

15 24. Without any intellectual property rights in the DINERS CLUB and DINERS  
16 CLUB INTERNATIONAL marks, Defendants purchased the Infringing Domain Names,  
17 each of which have the form <[CITY]dinersclub.com>, with the bad-faith intent to profit  
18 from the goodwill and value associated with the DINERS CLUB and DINERS CLUB  
19 INTERNATIONAL marks.

20 25. Defendants' registration and use of the Infringing Domain Names was  
21 conducted with full knowledge of Diners Club's rights in the DINERS CLUB and  
22 DINERS CLUB INTERNATIONAL marks. By registering and using the Infringing  
23 Domain Names, Defendants sought to confuse Diners Club's customers and to divert  
24 them to the goods and services offered at the websites associated with each of the  
25 Infringing Domain Names.

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1           26. Defendants have deliberately harmed, and will continue to harm, the  
2 goodwill enjoyed by the DINERS CLUB and DINERS CLUB INTERNATIONAL marks  
3 in the United States among virtually all consumers by creating a false association between  
4 the genuine products and services provided by Diners Club and those associated with  
5 Defendants.

6           27. The Infringing Domain Names incorporate Diners Club's distinctive  
7 DINERS CLUB and DINERS CLUB INTERNATIONAL trademarks almost in their  
8 entirety and are confusingly similar to the DINERS CLUB and DINERS CLUB  
9 INTERNATIONAL marks.

10           28. Defendants Poole and SHAARP Ventures resold each of the Infringing  
11 Domain Names to Defendants Cash, GDCash, and GDC Enterprises in May 2009.

12           29. Most of the Infringing Domain Names were associated with a pay-per-click  
13 website that feature links to Diners Club's competitors and/or links to other websites that  
14 advertize or sell competing products and services until Diners Club brought a Complaint  
15 against Defendants in accordance with the Uniform Domain Name Dispute Resolution  
16 Policy on July 8, 2009 (the "July 2009 UDRP Complaint").

17           30. The National Arbitration Forum Panel charged with deciding the July 2009  
18 UDRP Complaint decided on August 21, 2009 that Defendants' use of the Infringing  
19 Domain Names was indeed a violation of Diners Club's rights in its DINERS CLUB and  
20 DINERS CLUB INTERNATIONAL marks, and ordered that the Infringing Domain  
21 Names be transferred to Diners Club.

22           31. The National Arbitration Forum Panel also decided on August 21, 2009 that  
23 Defendants had no legitimate rights to use Plaintiff's DINERS CLUB and DINERS  
24 CLUB INTERNATIONAL marks, and their registration and subsequent use of domain  
25 names having the form <[CITY]dinersclub.com> was done in bad faith.  
26

1           32. Wild West Domains transferred 36 of the above-listed 37 Infringing Domain  
2 Names to Diners Club on August 21, 2009. The transferred Infringing Domain Names are  
3 currently under Diners Club's control.

4           33. The Infringing Domain Name <austindinersclub.com> was not part of the  
5 July 2009 UDRP Complaint and is in Defendants' possession and control. The website  
6 having the URL <austindinersclub.com> advertises Defendants' business, which is, in  
7 part, to promote the goods and services of others through the sale of advertising to  
8 restaurants. A true and correct printout of the website associated with the Infringing  
9 Domain Name <austindinersclub.com> advertizing competing products and services is  
10 attached hereto as **Exhibit 5**.

11           34. Defendants' promotion of the goods and services of others, including but  
12 not limited to selling advertising to restaurants, directly competes with Diners Club's  
13 goods and services.

14           35. None of the Defendants are affiliated with Diners Club, they are not  
15 commonly known by each of the Infringing Domain Names, and they are not authorized  
16 to use Diners Club's trademarks or to profit from the goodwill Diners Club has generated  
17 in the DINERS CLUB and DINERS CLUB INTERNATIONAL marks.

18           36. Defendants have no legitimate reason to use Diners Club's trademarks in  
19 connection with their online commercial activities.

20           37. Defendants' bad-faith use, registration, and/or resale of the Infringing  
21 Domain Names was and is intentional, willful, and designed to unlawfully misappropriate  
22 and trade off Diners Club's goodwill and reputation.

23           38. Defendants' acts described herein continue to cause Diners Club irreparable  
24 harm for which it has no adequate remedy at law.  
25  
26

**COUNT I**

**Cybersquatting Under the Anticybersquatting Consumer Protection Act  
(15 U.S.C. § 1125(d)(1))**

39. Diners Club realleges and incorporates by reference the paragraphs above as if fully set forth herein.

40. The Infringing Domain Names are each confusingly similar to Plaintiff's DINERS CLUB and DINERS CLUB INTERNATIONAL marks, which were distinctive at the time Defendants purchased and registered the Infringing Domain Names.

41. Defendants registered and used the Infringing Domain Names with a bad-faith intent to profit from Plaintiff's DINERS CLUB and DINERS CLUB INTERNATIONAL marks.

42. Defendants' use of the Infringing Domain Names has caused, and will continue to cause, irreparable harm to Plaintiff's goodwill and reputation.

43. Defendants' actions were willful, and Plaintiff has no adequate remedy at law.

44. Defendants' activities as alleged herein violate the federal Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1).

45. As a result of Defendants' willful and intentional actions, Plaintiff has incurred attorneys' fees and costs.

46. As a result of Defendants' willful and intentional actions, Plaintiff has been damaged in an amount to be proven at trial.

**COUNT II**

**Federal Trademark Infringement  
(15 U.S.C. § 1114(1))**

47. Diners Club realleges and incorporates by reference the paragraphs above as if fully set forth herein.

1 48. Defendants' use of all or part of the DINERS CLUB and DINERS CLUB  
2 INTERNATIONAL marks in the Infringing Domain Names is likely to cause confusion  
3 with Plaintiff's DINERS CLUB and DINERS CLUB INTERNATIONAL Marks.

4 49. Defendants' conduct therefore infringes upon Diners Club's exclusive rights  
5 in its federally registered DINERS CLUB and DINERS CLUB INTERNATIONAL marks  
6 in violation of the federal Trademark Act, 15 U.S.C. § 1114(1).

7 50. Defendants' conduct complained of herein was and is intentional and  
8 willful.

9 51. Defendants' acts complained of herein have damaged Diners Club and,  
10 unless enjoined, will continue to damage and cause irreparable injury to Diners Club's  
11 reputation and goodwill.

12 52. Diners Club has no adequate remedy at law.

13 53. As a result of Defendants' willful and intentional actions, Plaintiff has  
14 incurred attorneys' fees and costs.

15 54. As a result of Defendants' willful and intentional actions, Plaintiff has been  
16 damaged in an amount to be proven at trial.

17 **COUNT III**

18 **Common Law Trademark Infringement**

19 55. Diners Club realleges and incorporates by reference the paragraphs above as  
20 if fully set forth herein.

21 56. Defendants' use of all or part of the DINERS CLUB and DINERS CLUB  
22 INTERNATIONAL marks in the Infringing Domain Names is likely to cause confusion  
23 with Plaintiff's DINERS CLUB and DINERS CLUB INTERNATIONAL Marks.

24 57. By reason of the foregoing activities, Defendants have violated and  
25 infringed Diners Club's common law rights in its DINERS CLUB and DINERS CLUB  
26 INTERNATIONAL marks under the common law of the State of Arizona.

1 contributed to the sale, offering for sale, and distribution of the infringing products in and  
2 among the several United States, and particularly in this judicial district and, as a result,  
3 Dial has been injured in this judicial district.

4 6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(c) and 1400(b)  
5 because Defendant has committed acts of infringement in this judicial district.

6 **DIAL'S BUSINESS AND PATENT**

7 7. Dial has designed, manufactured and provided reliable replacement parts for  
8 the evaporative cooler industry since 1965, including cooler fittings, electrical accessories,  
9 pumps, motors, thermostats, and switches, among other things.

10 8. Dial is the owner by assignment of all right, title, and interest in and to  
11 United States Patent No. 5,568,000 (the "Dial Patent") entitled "Multiple Pole, Shaded  
12 Pole Subfractional-Horsepower Induction Motor," which duly and legally issued in the  
13 name of John Hanneken on October 22, 1996. A copy of the Dial Patent is attached  
14 hereto as Exhibit A.

15 9. Without Dial's authorization, Defendant has made, used, offered to sell,  
16 sold, and/or imported into the United States evaporative cooler water pumps and pump  
17 motors that infringe at least claims 1 and 5, and possibly others, of the Dial Patent (the  
18 "Infringing Products").

19 10. Included among the Infringing Products are PPS pump models P-5G and P-  
20 7G, and possibly others.

21 **COUNT I**

22 **(PATENT INFRINGEMENT)**

23 11. Dial re-alleges each and every allegation set forth in paragraphs 1 through 10  
24 above, and incorporates them by reference herein.

25 12. Dial has standing to sue for infringement of the Dial Patent because it is the  
26 owner of the Dial Patent.

27 13. Defendant has, and continues to, directly and indirectly infringe the Dial  
28 Patent by making, using, offering to sell, selling, and/or importing into the United States,

1 58. Defendants' conduct complained of herein was and is intentional and  
2 willful.

3 59. Defendants' acts complained of herein have damaged Diners Club and,  
4 unless enjoined, will continue to damage and cause irreparable injury to Diners Club's  
5 reputation and goodwill.

6 60. Diners Club has no adequate remedy at law.

7 61. As a result of Defendants' willful and intentional actions, Plaintiff has  
8 incurred attorneys' fees and costs.

9 62. As a result of Defendants' willful and intentional actions, Plaintiff has been  
10 damaged in an amount to be proven at trial.

11 **RELIEF REQUESTED**

12 WHEREFORE, Plaintiff Diners Club International Ltd. respectfully requests that  
13 this Court enter an order for Plaintiff and against all Defendants as follows:

14 (a) Defendants and their respective agents, representatives, servants, employees,  
15 attorneys, officers, directors, shareholders, licensees, affiliates, joint venturers, parents,  
16 subsidiaries, related corporations and all others in privity or acting in concert with them be  
17 preliminarily and permanently enjoined from:

18 (i) Using, linking to, transferring, selling, reselling, registering,  
19 exercising control over, or otherwise owning any of the Infringing Domain Names  
20 or any other domain name or trademark or service mark that incorporates, in whole  
21 or in part, any of Plaintiff's marks, including the DINERS CLUB and DINERS  
22 CLUB INTERNATIONAL marks;

23 (ii) Using false representations or descriptions in commerce or using  
24 false designations of origin that are likely to cause confusion, or to cause mistake,  
25 or to deceive as to the affiliation, connection, or association of Defendants with  
26



1 Plaintiff, or as to the origin, sponsorship, or approval of Defendants' services by  
2 Plaintiff;

3 (iii) Otherwise infringing Plaintiff's marks, including but not limited to  
4 the DINERS CLUB and DINERS CLUB INTERNATIONAL marks; and

5 (iv) Unfairly competing with Plaintiff or otherwise injuring its business  
6 reputation in any manner;

7 (b) Wild West Domains, Inc. is to cooperate with a registrar to be appointed by  
8 Plaintiff to re-register the Infringing Domain Name <austindinersclub.com> in Plaintiff's  
9 name and under Plaintiff's ownership;

10 (c) Defendants be required to pay to Plaintiff statutory damages in an amount  
11 not less than \$3,700,000 pursuant to the Anticybersquatting Consumer Protection Act, 15  
12 U.S.C. § 1125(d) representing a maximum statutory damages award of \$100,000 per  
13 Infringing Domain Name;

14 (d) Defendants be required to pay to Plaintiff all profits obtained from, or  
15 damages caused to Defendants by, Defendants' use of each of the Infringing Domain  
16 Names, and that such amounts be trebled for Defendants' willful infringement of  
17 Plaintiff's DINERS CLUB and DINERS CLUB INTERNATIONAL marks;

18 (e) Defendants be ordered to pay Plaintiff its attorneys' fees and costs; and

19 (f) Plaintiff be awarded such other and further relief as this Court may deem  
20 just.

21 RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of February, 2010.

22 GREENBERG TRAURIG, LLP

23 By: /s/ Kimberly A. Warshawsky

24 Paul D. McGrady, Jr., *pro hac app. pending*

25 Kimberly A. Warshawsky

26 Jason B. Elster, *pro hac app. pending*

Attorneys for Diners Club International Ltd.

1 the Infringing Products.

2 14. Upon information and belief, Defendant, through its actions, has knowingly  
3 contributed to or induced the infringement of the Dial Patent by third parties in violation  
4 of 35 U.S.C. § 271. Upon information and belief, Defendants are providing Infringing  
5 Products to various third parties for re-sale to the public.

6 15. Upon information and belief, Defendant's infringement has been intentional  
7 and willful, making this an exceptional case. Defendant's pump motor is a nearly exact  
8 replica of the motor contained in Dial's patented pump, the packaging for which is  
9 consistently marked with the Dial Patent number. The particular configuration and  
10 features of Dial's pump motor, coupled with that fact that Defendant's pump motor is  
11 virtually identical, indicates that Defendant intentionally copied from Dial.

12 16. Defendant's infringement has caused and continues to cause irreparable  
13 harm to Dial, which has no adequate remedy at law and will continue to be injured unless  
14 and until this Court enters a preliminary and permanent injunction prohibiting further  
15 infringement and, specifically, enjoining Defendant and all others who have notice of the  
16 injunction from further manufacture, use, offer for sale, sale and importation of products  
17 that fall within the scope of claims of the Dial Patent.

18 17. Dial is entitled to recover damages from Defendant in an amount adequate to  
19 compensate Dial for the infringement that has occurred and that will continue to occur  
20 until an injunction is issued by the Court.

21 **RELIEF REQUESTED**

22 A. Judgment that the Defendant has infringed the Dial Patent in violation of 35 U.S.C.  
23 § 271 and that such infringement is willful;

24 B. A preliminary and permanent injunction prohibiting Defendant, and its  
25 respective subsidiaries, affiliates, officers, directors, agents, servants, employees, and all  
26 persons in active concert or participation with it, from infringing, contributing to the  
27 infringement of, and inducing infringement of the Dial Patent;

28 C. An award of damages adequate to compensate Dial for the patent

1 infringements that have occurred pursuant to 35 U.S.C. § 284, trebled as a result of  
2 Defendant's willful patent infringement, or an award of Defendant's profits from its  
3 infringements pursuant to 35 U.S.C. § 289, whichever is greater, together with pre- and  
4 post-judgment interest and costs;

5 D. An assessment of costs, including reasonable attorney fees, pursuant to 35  
6 U.S.C. § 285, with interest; and

7 E. Such other and further relief as this Court deems just and proper.

8 **DEMAND FOR JURY TRIAL**

9 Dial demands a jury trial on all triable issues raised in this Complaint.

10  
11 RESPECTFULLY SUBMITTED this 23rd day of February, 2010.

12 LEWIS AND ROCA LLP

13  
14 By /s/ Shane E. Olafson  
15 Sean D. Garrison  
16 Shane E. Olafson  
17 Attorneys for Dial Manufacturing, Inc.  
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US005568000A

**United States Patent** [19]**Hanneken**[11] **Patent Number:** **5,568,000**[45] **Date of Patent:** **Oct. 22, 1996**[54] **MULTIPLE POLE, SHADED POLE  
SUBFRACTIONAL-HORSEPOWER  
INDUCTION MOTOR**[75] **Inventor:** **John B. Hanneken, Tempe, Ariz.**[73] **Assignee:** **Dial Manufacturing, Inc., Phoenix, Ariz.**[21] **Appl. No.:** **311,942**[22] **Filed:** **Sep. 26, 1994**[51] **Int. Cl.<sup>6</sup>** ..... **H02K 1/00**[52] **U.S. Cl.** ..... **310/254; 310/258**[58] **Field of Search** ..... **310/182, 183,  
310/216, 254, 258, 259**[56] **References Cited****U.S. PATENT DOCUMENTS**

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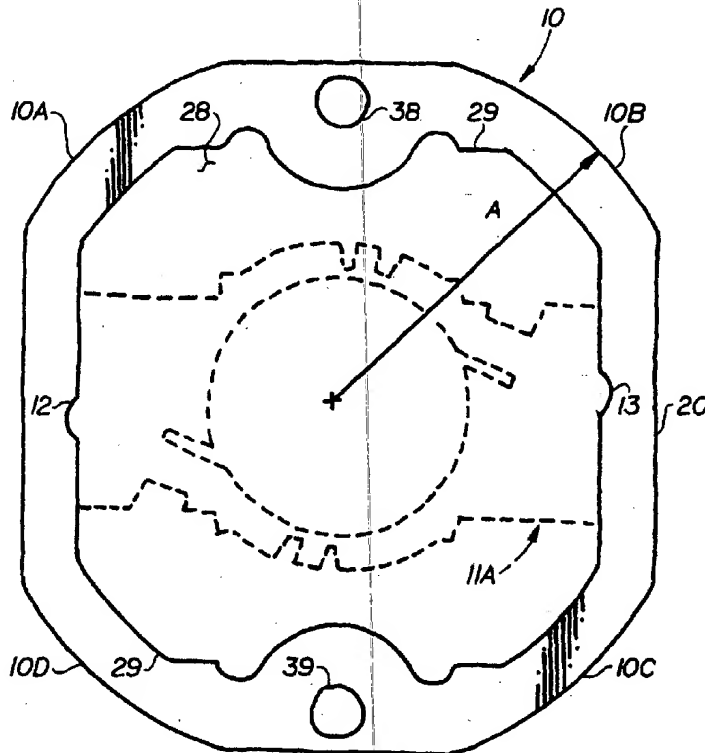
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 9308631 4/1993 WIPO ..... 310/216

*Primary Examiner*—Thomas M. Dougherty  
*Attorney, Agent, or Firm*—Tod R. Nissle

[57] **ABSTRACT**

A multiple pole, shaded pole, subfractional-horsepower induction motor includes a two piece stator. Wound wire is mounted on one piece of the stator before final assembly of the stator. Reluctance gaps are utilized to increase the strength of the motor.

**8 Claims, 4 Drawing Sheets**

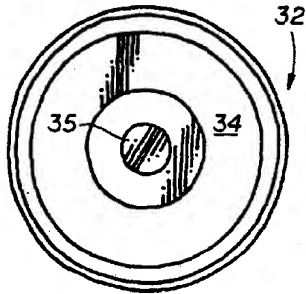


U.S. Patent

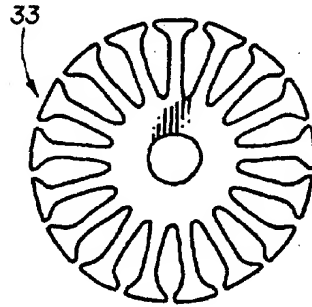
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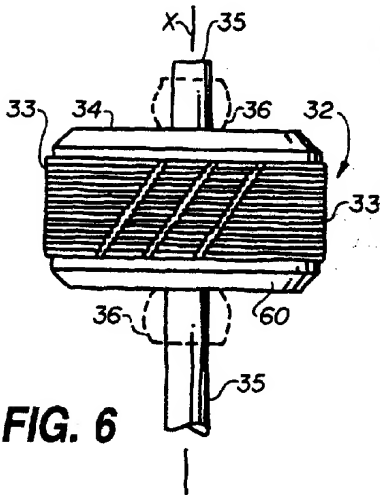
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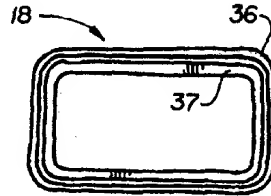
**FIG. 5**



**FIG. 7**



**FIG. 6**



**FIG. 8**

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